

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS**

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VIRGINIA ELECTRIC AND POWER COMPANY  
d/b/a DOMINION VIRGINIA ENERGY,

*Plaintiff,*

v.

THE UNITED STATES OF AMERICA,

*Defendant.*

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Case No. 17-464C

Senior Judge Bruggink

**PLAINTIFF’S MOTION FOR PARTIAL  
SUMMARY JUDGMENT AS TO LIABILITY**

Plaintiff Virginia Electric and Power Company d/b/a Dominion Energy Virginia (“Dominion”), by and through undersigned counsel and pursuant to Rule 56 of the Rules of the Court of Federal Claims, hereby moves this Court for an Order granting partial summary judgment in its favor as to liability on Count I (Termination for Convenience – Allowable Costs), Count II (Termination for Convenience – Fair Compensation (FAR 49.201)) and Count IV (Breach of Contract) of its First Amended Complaint. In support of this Motion, Dominion relies upon and incorporates by reference the attached Memorandum of Law, Statement of Undisputed Material Facts, Declaration of Paul Matthews, Declaration of Alan M. Freeman, and Appendix of Exhibits. Dominion is entitled to summary judgment because there is no genuine dispute as to any material fact regarding Defendant’s liability, and Dominion is entitled to judgment as a matter of law for the reasons set forth in the supporting Memorandum of Law.

WHEREFORE, for the foregoing reasons, Dominion moves this Court for entry of summary judgment as to liability on Counts I, II, and IV of its First Amended Complaint, and such other relief that the Court deems just and proper.

Dated: September 6, 2019

Respectfully submitted,

s/ Alan M. Freeman

Alan M. Freeman

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 6, 2019, a true and correct copy of the foregoing Motion for Partial Summary Judgment as to Liability, Statement of Undisputed Material Facts, Memorandum of Law, Declarations, and Appendix of Exhibits was served via ECF on counsel for Defendant, the United States, who has agreed to accept service via email.

/s/ Alan M. Freeman  
Alan M. Freeman